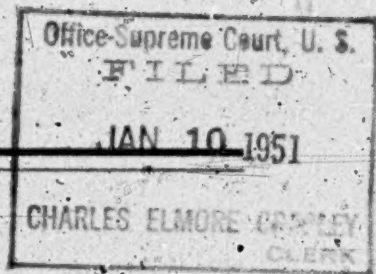


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IN THE
Supreme Court of The United States

OCTOBER TERM 1950-1951

NO. 4

GEORGIA RAILROAD & BANKING CO.,

Appellant,

VS.

CHARLES D. REDWINE, State Revenue Commissioner,

Appellee

REPLY OF APPELLANT TO RESPONSE OF APPELLEE
TO MOTION TO TERMINATE CONTINUANCE AND
DECIDE APPEAL

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Of Counsel for Appellant

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**REPLY OF APPELLANT TO RESPONSE OF APPELLEE
TO MOTION TO TERMINATE CONTINUANCE AND
DECIDE APPEAL**

In his response to appellant's motion to terminate the continuance and decide the appeal, appellee asserts (page 2) that the deliberate purpose and effect of the order of this Court of February 20, 1950, was to remit appellant to the State Courts under such circumstances that the State Court would be precluded from deciding a controlling issue in favor of appellant, because the judgment of the District Court, on which this Court is withholding decision on appeal, is res judicata on the issue. He says (page 2):

"The order of continuance should, therefore, be construed as necessarily and intentionally giving to the judgment of the District Court just exactly the scope and meaning which appellant now attributes to it (Appellant's Motion, pages 1 and 2)."

Certainly a state remedy in which the State Court is precluded from considering or deciding the controlling issue is neither "plain" nor "efficient".

It is difficult for us to believe, however, as asserted by appellee, that this Court "intentionally" participated in a maneuver designed to deny appellant the hearing provided by law in this Court in such way as also to deny a hearing in the State Court, without either court assuming responsibility for the result.

Respectfully submitted,

ROBERT B. TROUTMAN,

FURMAN SMITH,

Counsel for Appellant

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